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DAVID RAY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID RAY,

Defendant.

Case No. 1:20-cr-00125-DAD

**STIPULATION TO MODIFY CONDITIONS
OF SUPERVISED RELEASE; ORDER**

IT IS HEREBY STIPULATED by and between the parties through their respective counsel, Assistant United States Attorney Antonio Pataca, counsel for plaintiff, and Assistant Federal Defender Reed Grantham, counsel for David Ray, that the conditions of Mr. Ray's supervised release be modified to include the following condition:

1. The defendant shall be monitored for a period of up to 1 month, with location monitoring technology, which may include the use of radio frequency (RF) or Global Positioning System (GPS) devices, at the discretion of the probation officer. The defendant shall abide by all technology requirements and shall pay the costs of location monitoring based upon their ability to pay as directed by the probation officer. In addition to other court-imposed conditions of release, the defendant's movement in the community shall be restricted as follows:

- a. The defendant shall be restricted to his residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances;

1 court-ordered obligations; or other activities as pre-approved by the
2 probation officer; (Home Detention).

3 By way of background, this Court sentenced Mr. Ray to a term of time-served on June
4 14, 2021, imposed a term of supervised release and ordered, as a special condition of his
5 supervised release, that he reside and participate in the Teen Challenge Reedley inpatient
6 correctional treatment program to obtain assistance for drug and/or alcohol abuse. *See* Dkt. #15.
7 That same day, Mr. Ray was ordered released so that he could be admitted into the Teen
8 Challenge program. *See* Dkt. #16. Pursuant to the terms of that release, Mr. Ray was to be taken
9 directly to the Teen Challenge program, or, if a COVID-19 test result was needed, to go to a
10 local clinic to be tested and to obtain a test result. *See* Dkt. #16. The Order further specified that
11 if Mr. Ray was not admitted to Teen Challenge due to a positive COVID-19 test, he was to return
12 to the Fresno County Jail. *See* Dkt. #16.

13 At the time of Mr. Ray's release, the Fresno County Jail did not provide him with a
14 COVID-19 test result.¹ Accordingly, upon his release, Mr. Ray went to a clinic located in Fresno,
15 California, to take a rapid COVID-19 test. Unfortunately, Mr. Ray's rapid COVID-19 test came
16 back positive. After learning of the positive test, Mr. Ray contacted undersigned counsel and
17 informed counsel of the positive test. Undersigned counsel then contacted Teen Challenge
18 Reedley to determine whether the program would admit Mr. Ray despite his positive test. Teen
19 Challenge Reedley indicated that it could not accept Mr. Ray until he has tested negative. Upon
20 learning this, undersigned counsel instructed Mr. Ray to return to the jail to be booked back into
21 custody and then contacted probation officer Laura Del Villar, who also instructed Mr. Ray to
22 return to the Fresno County Jail.

23 However, upon arriving at the jail and informing the jail that he was to be booked back
24 into custody, the jail indicated that it could not take him back into custody. Throughout this time,
25 Mr. Ray remained in communication with undersigned counsel and Officer Del Villar. When it
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27 ¹ At the sentencing hearing, Mr. Ray indicated that on Friday, June 11, 2021, the Fresno County Jail administered a
28 COVID-19 test to him at the jail. At that time, he was told that the test result would be provided to him at the time of
his release. However, according to Mr. Ray, at the time of his release, the Fresno County Jail indicated that it did not
have a record of his test and accordingly had no test result to provide to him.

1 became clear that the Fresno County Jail would not be taking him back into custody, Officer Del
2 Villar instructed Mr. Ray to reside at his mother's residence and to await instructions.

3 Mr. Ray remains eligible to attend and participate in Teen Challenge Reedley's program,
4 and Teen Challenge has indicated it will still admit him but cannot do so until he tests negative
5 for COVID-19. After discussions with Officer Del Villar, the parties hereby agree and stipulate
6 that Mr. Ray remain released on the previously ordered terms and conditions of his supervised
7 release, and that in addition, the Court impose the location monitoring (at home detention
8 restriction level) condition above. Officer Del Villar has provided the language for this condition
9 and has reviewed and approved of the above. This condition is intended to remain in effect until
10 Mr. Ray tests negative for COVID-19 and is admitted into the Teen Challenge Reedley program.
11 Accordingly, the parties request that the Court impose the condition above.

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13 Respectfully submitted,

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15 PHILLIP A. TALBERT
Acting United States Attorney

16 Date: June 15, 2021

/s/ Antonio Pataca
17 ANTONIO PATACA
Assistant United States Attorney
18 Attorney for Plaintiff

19 HEATHER E. WILLIAMS
20 Federal Defender

21 Date: June 15, 2021

/s/ Reed Grantham
22 REED GRANTHAM
Assistant Federal Defender
23 Attorney for Defendant
24 DAVID RAY
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ORDER

IT IS SO ORDERED. Mr. Ray's term of supervised release is hereby modified to include the location monitoring (home detention) condition as set forth in the parties' stipulation.

IT IS SO ORDERED.

Dated: **June 15, 2021**


UNITED STATES DISTRICT JUDGE